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EXAMINER	
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ART UNIT	PAPER NUMBER
2686	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/786,961	CLARK ET AL.	
	Examiner	Art Unit	
	Olivia Marsh	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-47* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6, 10-12, 17-27, 31-32, 36-39, and 40-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Vasudevan (U.S. 2004/0192282 A1).

As to **claim 1**, Vasuevan discloses:

A method of updating a mobile device (paragraph 1), comprising:

receiving at a mobile device (mobile communication device 110) resource requirements data for an update from an update management computing device (Discovery Application Administration Server) (paragraph 42);

determining whether the mobile device has associated update resources to meet the resource requirements (paragraph 42);

allocating update resources to the mobile device if the mobile device does not have associated update resources to meet the resource requirements (paragraph 42);

transmitting from the mobile device to the update management computing device update request data requesting update data (paragraph 47); and

receiving at the mobile device the update data from the update management computing device in response to the transmitted update request data (paragraph 47).

As to **claim 2**, Vasuevan discloses everything as applied in claim 1 and Vasuevan also discloses:

the mobile device has associated update resources to meet the resource requirements comprises determining whether the mobile device has a minimum amount of available memory in a mobile device memory (paragraph 42).

As to **claim 3**, Vasuevan discloses everything as applied in claims 1-2 and Vasuevan also discloses:

upon determining that the mobile device does not have the minimum amount of available memory, identifying stored mobile device data stored in the mobile device memory that may be purged to make available the minimum amount of available memory in the mobile device memory (paragraph 42).

As to **claim 4**, Vasuevan discloses everything as applied in claims 1-3 and Vasuevan also discloses:

upon identifying stored mobile device data stored in the mobile device memory that may be purged to make available the minimum amount of available memory in the mobile device memory (paragraph 47):

determining whether the identified stored mobile device data is stored on a remote storage device operable to communicate with the mobile device over a communication network (paragraph 47);

upon determining that the identified stored mobile device data is not stored on the remote storage device, transmitting the identified stored

mobile device data to the remote storage device for storage (paragraph 47); and

purging the identified stored mobile device data from the mobile device memory (paragraph 47).

As to **claim 5**, Vasuevan discloses everything as applied in claims 1-4 and Vasuevan also discloses:

updating the mobile device with the received update data (paragraph 42);

transmitting a request from the mobile device to the remote storage device for transmission of the identified stored mobile device data from the remote storage device to the mobile device (paragraph 43);

receiving the identified stored mobile device data from the remote storage device in response to the transmitted request (paragraph 43); and

storing the identified stored mobile device data in the mobile device memory (paragraph 43).

As to **claim 6**, Vasuevan discloses everything as applied in claims 1-4 and Vasuevan also discloses:

the remote storage device comprises the update management computing device (paragraph 54).

As to **claim 10**, Vasuevan discloses everything as applied in claim 1 and Vasuevan also discloses:

wherein determining whether the mobile device has associated update resources to meet the resource requirements comprises determining whether the mobile device has a minimum amount of computational resources to execute update

computations on stored mobile device data stored in the mobile device memory to create updated mobile device data (paragraph 49).

As to **claim 11**, Vasuevan discloses everything as applied in claims 1 and 10 and Vasuevan also discloses:

upon determining that the mobile computational resources, device does not have the minimum amount of identifying stored mobile device data stored in the mobile device memory for which update computations are to be executed (paragraph 49); and

transmitting the identified stored mobile device data to the update management computing device for execution of the update computations to create the updated mobile device data (paragraph 49); and

purging the identified stored mobile device data from the mobile device memory (paragraph 49).

As to **claim 12**, Vasuevan discloses everything as applied in claims 1 and 10-11 and Vasuevan also discloses:

updating the mobile device with the received update data (paragraph 42);

transmitting a request from the mobile device to the update management computing device for transmission of the updated mobile device data from the update management computing device to the mobile device (paragraph 47);

receiving the updated mobile device data from the update management computing device in response to the transmitted request (paragraph 47); and

storing the updated stored mobile device data in the mobile device memory (paragraph 47).

As to **claim 17**, Vasuevan discloses everything as applied in claim 1 and Vasuevan also discloses:

Executable program code stored in a computer readable medium and comprising instructions operable to cause a mobile device to perform the method of claim 1 when executed on the mobile device (paragraph 47).

As to **claim 18**, Vasuevan discloses:

A method of updating a mobile device (paragraph 1), comprising:

transmitting from an update management computing device to a mobile device resource requirements data for an update (paragraph 42);

receiving at the update management computing device an update request transmitted from the mobile device in response to the transmitted resource requirements data (paragraph 47); and

transmitting from the update management computing device to the mobile device the update data in response to the update request (paragraph 47).

As to **claim 19**, Vasuevan discloses everything as applied in claim 18 and Vasuevan also discloses:

receiving stored mobile device data transmitted from the mobile device (paragraph 47);

storing the stored mobile device data in the update management computing device (paragraph 47);

receiving a stored mobile device data request transmitted from the mobile device (paragraph 43); and

transmitting from the update management computing device to the mobile device the stored mobile device data (paragraph 43).

As to **claim 20**, Vasuevan discloses everything as applied in claim 18 and Vasuevan also discloses:

receiving stored mobile device data transmitted from the mobile device (paragraph 47);

storing the stored mobile device data in the update management computing device (paragraph 47); and

execution update computations to create updated mobile device data in the update management computing device (paragraph 48).

As to **claim 21**, Vasuevan discloses everything as applied in claim 18 and 20 and Vasuevan also discloses:

receiving an updated mobile device data request transmitted from the mobile device (paragraph 47); and

transmitting from the update management computing device to the mobile device the updated mobile device data (paragraph 47).

As to **claim 22**, Vasuevan discloses everything as applied in claim 18 and 20 and Vasuevan also discloses:

receiving a stored mobile device data request transmitted from the mobile device (paragraph 43); and

transmitting from the update management computing device to the mobile device the stored mobile device data (paragraph 43).

As to **claim 23**, Vasuevan discloses everything as applied in claim 18 and Vasuevan also discloses:

Executable program code stored in a computer readable medium and comprising instructions operable to cause a computer device to perform the method of claim 18 when executed on the computer device (paragraph 40).

As to **claim 24**, Vasuevan discloses:

A system (Figure 1) for updating a mobile device (110) over a communication network (paragraph 1), comprising:

a mobile communication device (mobile communication device) comprising a processing subsystem, a memory subsystem, and a communication subsystem, the processing subsystem coupled to the memory subsystem and communication subsystem and operable to store and retrieve data in the memory subsystem, to execute instructions stored in the memory subsystem, and to cause the communication subsystem to transmit and receive data over the communication network (paragraphs 28 and 46); and

mobile device update management and allocation program code comprising instructions executable by the processing subsystem and stored in the memory subsystem (paragraph 46), the instructions operable to cause the processing subsystem to receive resource requirements data for an update transmitted over the communication network (paragraph 42), determine whether the mobile device has associated update resources to meet the resource requirements (paragraph 42), allocate update resources in the mobile device if the mobile device does not have associated update resources to meet the resource requirements (paragraph 42), and transmit over the

communication network update request data requesting update data from an update management computing device (paragraph 47).

As to **claim 25**, Vasuevan discloses everything as applied in claim 24 and Vasuevan also discloses:

the mobile device update management and allocation program code comprises further instructions executable by the processing subsystem and stored in the memory subsystem, the further instructions operable to cause the processing subsystem to determine whether the mobile device has a minimum amount of available memory in the mobile device memory subsystem, and upon determining that the mobile device does not have the minimum amount of available memory, identify stored mobile device data stored in the memory subsystem that may be purged to make available the minimum amount of available memory (paragraph 42).

As to **claim 26**, Vasuevan discloses everything as applied in claims 24-25 and Vasuevan also discloses:

the mobile device update management and allocation program code comprises further instructions executable by the processing subsystem and stored in the memory subsystem, the further instructions operable to cause the processing subsystem to determine whether the identified stored mobile device data is stored on a remote storage device operable to communicate with the mobile device over a communication network (paragraph 47), and upon determining that the identified stored mobile device data is not stored on the remote storage device (paragraph 47), transmit the identified stored mobile device data to the

remote storage device for storage and purge the identified stored mobile device data from the mobile device memory after the transmission (paragraph 47).

As to **claim 27**, Vasuevan discloses everything as applied in claims 24-26 and Vasuevan also discloses:

the mobile device update management and allocation program code comprises further instructions executable by the processing subsystem and stored in the memory subsystem, the further instructions operable to cause the processing subsystem to update the mobile device with the received update data (paragraph 42), transmit a request to the remote storage device for transmission of the identified stored mobile device data from the remote storage device to the mobile device (paragraph 43), receive identified stored mobile device data from the remote storage device in response to the transmitted request (paragraph 43), and store the identified stored mobile device data in the mobile device memory subsystem (paragraph 43).

As to **claim 31**, Vasuevan discloses everything as applied in claims 24 and Vasuevan also discloses:

the mobile device update management and allocation program code comprises further instructions executable by the processing subsystem and stored in the memory subsystem, the further instructions operable to cause the processing subsystem to determine whether the mobile device has a minimum amount of computational resources to execute update computations on stored mobile device data stored in the mobile device memory subsystem to create updated mobile device data, and upon determining that the mobile device does not have the minimum amount of computational resources, identify stored mobile device

data stored in the mobile device memory subsystem for which update computations are to be executed, and transmit the identified stored mobile device data to the update management computing device for execution of the update computations to create the updated mobile device data (paragraph 49).

As to **claim 32**, Vasuevan discloses everything as applied in claims 24 and 31 and Vasuevan also discloses:

the mobile device update management and allocation program code comprises further instructions executable by the processing subsystem and stored in the memory subsystem, the further instructions operable to cause the processing subsystem to update the mobile device with the received update data (paragraph 42), transmit a request to the update management computing device for transmission of the updated mobile device data from the update management computing device to the mobile device (paragraph 47), receive the updated mobile device data from the update management computing device in response to the transmitted request (paragraph 47), and store the updated mobile device data in the mobile device memory subsystem (paragraph 47).

As to **claim 36**, Vasuevan discloses:

A system (Figure 1) for updating a mobile device (110) over a communication network, comprising:

an update management server (DA server) comprising a processing subsystem, a memory subsystem, and a communication subsystem, the processing subsystem coupled to the memory subsystem and communication subsystem and operable to store and retrieve data in the memory subsystem, to execute instructions stored in the memory subsystem, and to cause the communication

subsystem to transmit and receive data over the communication network (paragraph 33); and

update server management and allocation program code comprising instructions executable by the processing subsystem and stored in the memory subsystem, the instructions operable to cause the processing subsystem to transmit resource requirements data for an update to a mobile device over the communication network, receive update request data transmitted from a mobile device over the communication network in response to the transmitted resource requirements data, and transmit update data back to a mobile device over the communication system in response to the update request data (paragraphs 48-49).

As to **claim 37**, Vasuevan discloses everything as applied in claim 36 and Vasuevan also discloses:

the update server management and allocation program code comprises further instructions executable by the processing subsystem and stored in the memory subsystem, the further instructions operable to cause the processing subsystem to receive stored mobile device data transmitted from a mobile device, store the stored mobile device data in the memory subsystem, receive a stored mobile device data request transmitted from a mobile device, and transmit to a mobile device the stored mobile device data (paragraph 43).

As to **claim 38**, Vasuevan discloses everything as applied in claim 36-37 and Vasuevan also discloses:

the update server management and allocation program code comprises further instructions executable by the processing subsystem and stored in the memory subsystem, the further instructions operable to cause the processing subsystem

to receive stored mobile device data transmitted from a mobile device, store the stored mobile device data in the memory subsystem, and execute update computations to create updated mobile device data (paragraphs 47-48).

As to **claim 39**, Vasuevan discloses everything as applied in claim 36-38 and Vasuevan also discloses:

the update server management and allocation program code comprises further instructions executable by the processing subsystem and stored in the memory subsystem, the further instructions operable to cause the processing subsystem to receive an updated mobile device data request transmitted from a mobile device, and transmit from the updated mobile device data to a mobile device (paragraph 47).

As to **claim 40**, Vasuevan discloses everything as applied in claim 36-37 and Vasuevan also discloses:

the update server management and allocation program code comprises further instructions executable by the processing subsystem and stored in the memory subsystem, the further instructions operable to cause the processing subsystem to receive stored mobile device data transmitted from a mobile device, store the stored mobile device data in the memory subsystem, receive a stored mobile device data request transmitted from a mobile device, and transmit to a mobile device the stored mobile device data (paragraph 43).

As to **claim 41**, Vasuevan discloses everything as applied in claim 36 and Vasuevan also discloses:

a mobile communication device (mobile communication device) comprising a processing subsystem, a memory subsystem, and a communication subsystem,

the processing subsystem coupled to the memory subsystem and communication subsystem and operable to store and retrieve data in the memory subsystem, to execute instructions stored in the memory subsystem, and to cause the communication subsystem to transmit and receive data over the communication network (paragraphs 28 and 46); and

mobile device update management and allocation program code comprising instructions executable by the processing subsystem and stored in the memory subsystem (paragraph 46), the instructions operable to cause the processing subsystem to receive resource requirements data for an update transmitted over the communication network (paragraph 42), determine whether the mobile device has associated update resources to meet the resource requirements (paragraph 42), allocate update resources in the mobile device if the mobile device does not have associated update resources to meet the resource requirements (paragraph 42), and transmit over the communication network update request data requesting update data from an update management computing device (paragraph 47).

As to **claim 42**, Vasuevan discloses:

A system (Figure 1) for updating a mobile device (110) (paragraph 1), comprising:

means (extensions 720, paragraph 46) for receiving at a mobile device (mobile communication device 110) resource requirements data for an update from an update management computing device (Discovery Application Administration Server) (paragraph 42);

means (bootstrap 710) for determining whether the mobile device has associated update resources to meet the resource requirements (paragraph 42);

means (bootstrap) for allocating update resources to the mobile device if the mobile device does not have associated update resources to meet the resource requirements (paragraph 42);

means (extensions 720) for transmitting from the mobile device to the update management computing device update request data requesting update data (paragraph 47); and

means (extensions 720) for receiving at the mobile device the update data from the update management computing device in response to the transmitted update request data (paragraph 47).

As to **claim 43**, Vasuevan discloses everything as applied in claim 42 and Vasuevan also discloses:

means (DA server) for transmitting from to a mobile device the resource requirements data for an update (paragraph 42);

means (DA server) for receiving the update request transmitted from the mobile device in response to the transmitted resource requirements data (paragraph 47); and

means (DA server) for transmitting from to the mobile device the update data in response to the update request (paragraph 47).

As to **claim 44**, Vasuevan discloses everything as applied in claim 1 and Vasuevan also disclsoes:

A mobile communication device (110), comprising:

a processing Subsystem, a memory subsystem, and a communication subsystem, the processing subsystem coupled to the memory subsystem and communication subsystem and operable to store and retrieve data in the memory subsystem, to execute instructions stored in the memory subsystem, and to cause the communication subsystem to transmit and receive data over a communication network (paragraphs 28 and 46); and executable update management and allocation program code stored in the memory subsystem and comprising instructions operable to cause the mobile device to perform the method of claim 1 when executed by the processing subsystem (paragraph 46).

As to **claim 45**, Vasuevan discloses:

A mobile communication device (110), comprising:
a processing subsystem, a memory subsystem, and a communication subsystem, the processing subsystem coupled to the memory subsystem and communication subsystem and operable to store and retrieve data in the memory subsystem, to execute instructions stored in the memory subsystem, and to cause the communication subsystem to transmit and receive data over a communication network (paragraphs 28 and 46); and
executable update management and allocation program code stored in the memory subsystem and comprising instructions (paragraph 46) operable to cause the mobile device to receive memory requirements data for an update transmitted over the communication network (paragraph 42), determine whether the mobile device has associated memory resources to meet the memory requirements (paragraph 42), allocate memory resources in the mobile device if

the mobile device does not have associated memory resources to meet the memory requirements (paragraph 42), and transmit over the communication network update request data requesting update data from an update management computing device upon determining that associated memory resources may be allocated (paragraph 47).

As to **claim 46**, Vasuevan discloses everything as applied in claim 45 and Vasuevan also discloses:

the update management and allocation program code comprises further instructions that cause the mobile device to identify stored mobile device data stored in the mobile device memory that may be purged to make available the memory resources (paragraph 47), determine whether the identified stored mobile device data is stored on a remote storage device operable to communicate with the mobile device over the communication network (paragraph 47), and upon determining that the identified stored mobile device data is not stored on the remote storage device, transmit the identified stored mobile device data to the remote storage device for storage and purging the identified stored mobile device data from the mobile device memory subsystem (paragraph 47).

As to **claim 47**, Vasuevan discloses everything as applied in claims 45-46 and Vasuevan also discloses:

the update management and allocation program code comprises further instructions that cause the mobile device to update the mobile device with update data received in response to the update data request, transmit a request from the mobile device to the remote storage device for transmission of the identified stored mobile device data from the remote storage device to the mobile device,

receive the identified stored mobile device data from the remote storage device in response to the transmitted request, and store the identified stored mobile device data in the mobile device memory (paragraph 43).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claims 7-9, 13-16, 28-30, and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vasuevan as applied to claims 1 and 24 above, and further in view of Kotzin *et al* (U.S. 2005/0064859 A1).**

As to **claim 7**, Vasuevan discloses everything as applied in claims 1 and 5 and Vasuevan also discloses creating an updated mobile device configuration within the available memory of the mobile device (paragraph 42); however, Vasuevan fails to disclose determining a baseline mobile device configuration and maintaining the baseline mobile device configuration after creating the updated mobile device configuration within the available memory of the mobile device. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Kotzin.

In an analogous art, Kotzin teaches a method and apparatus for backing up the memory of a wireless subscriber device (paragraph 1). Kotzin also teaches the backup server 111 creates representations, such as a direct copy or information sufficient to restore a copy of the memory image (e.g. bit by bit contents of the memory) of a wireless subscriber device 101 in for example the backup memory 117 of the backup server 111 (paragraph 32). Kotzin also teaches

while the download of the information occurs, the backup server 111 nearly simultaneously creates a current, after download and processing, representation of the memory of the wireless subscriber device 101 (paragraph 33), reading on claimed "a baseline mobile device configuration and maintaining the baseline mobile device configuration after creating the updated mobile device configuration within the available memory of the mobile device."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the method, disclosed by Vasuevan, creating an updated mobile device configuration within the available memory of the mobile device, also disclosed by Vasuevan, a baseline mobile device configuration and maintaining the baseline mobile device configuration after creating the updated mobile device configuration within the available memory of the mobile device, as taught by Kotzin, in order to restore or recover files that may be lost or corrupted while updating mobile device.

As to **claim 8**, Vasuevan discloses everything as applied in claims 1 and 5 and Kotzin also discloses everything as applied in claim 7; however, Vasuevan fails to disclose determining whether to accept the updated mobile device configuration; upon determining to accept the updated mobile device configuration, accepting the updated mobile device configuration as the mobile device baseline; and upon determining not to accept the updated mobile device configuration, reverting to the baseline mobile device configuration. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Kotzin.

Kotzin also teaches the backup server 111 checks the download for a virus during or after the network download (paragraph 43), reading on claimed "determining whether to accept the updated mobile device configuration." Kotzin also teaches if no virus is detected at 507, the backup server 111 allows the download at 513 and the current representation of the memory is updated at 515 if needed and not already performed at 505 (paragraph 45), reading on claimed

"upon determining to accept the updated mobile device configuration, accepting the updated mobile device configuration as the mobile device baseline." Kotzin also teaches if the backup server is acting as a gateway or checkpoint and detects a virus, etc at 507, the server can intercede and the download to the subscriber device can be disallowed (paragraph 43), reading on claimed "upon determining not to accept the updated mobile device configuration, reverting to the baseline mobile device configuration."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the method, as disclosed by Vasuevan, a baseline mobile device configuration and maintaining the baseline mobile device configuration after creating the updated mobile device configuration within the available memory of the mobile device, as taught by Kotzin, determining whether to accept the updated mobile device configuration; upon determining to accept the updated mobile device configuration, accepting the updated mobile device configuration as the mobile device baseline; and upon determining not to accept the updated mobile device configuration, reverting to the baseline mobile device configuration, as taught by Kotzin, in order to restore or recover files that may be lost or corrupted while updating mobile device.

As to **claim 9**, Vasuevan discloses everything as applied in claims 1 and 5 and Kotzin also discloses everything as applied in claim 7; however, Vasuevan fails to disclose storing an update resource in the mobile device memory, the update resource specifying the baseline mobile device configuration and updated mobile device configuration; determining whether an update resource is stored in the mobile device memory during an initialization of the mobile device; upon determining that the update resource is stored in the mobile device memory during an initialization of the mobile device, prompting a mobile device user to select one of the baseline mobile device configuration or updated mobile device configuration; and accepting the

updated mobile device configuration or reverting to the baseline mobile device configuration based on the user selection. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Kotzin.

Kotzin also teaches the backup server 111 creates representations, such as a direct copy or information sufficient to restore a copy of the memory image (e.g. bit by bit contents of the memory) of a wireless subscriber device 101 in for example the backup memory 117 of the backup server 111 (paragraph 32), reading on claimed "storing an update resource in the mobile device memory, the update resource specifying the baseline mobile device configuration and updated mobile device configuration." Kotzin also teaches the download server 109 includes a processor (not shown) that executes and coordinates the tasks requested and required of the download server 109 and the download server 109 typically initiates the download procedure for wireless downloads to the wireless subscriber device 101, normally responsive to a query from the device (paragraph 22), reading on claimed "determining whether an update resource is stored in the mobile device memory during an initialization of the mobile device." Kotzin also teaches the backup server 111 causes or facilitates the restoration of the memory 207 of the wireless subscriber device 101 using one or more archived memory representation of the wireless subscriber device 101 at 409, if the memory 207 has been compromised (paragraph 41), reading on claimed "upon determining that the update resource is stored in the mobile device memory during an initialization of the mobile device, prompting a mobile device user to select one of the baseline mobile device configuration or updated mobile device configuration; and accepting the updated mobile device configuration or reverting to the baseline mobile device configuration based on the user selection."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the method, as disclosed by Vasuevan, a baseline mobile device

configuration and maintaining the baseline mobile device configuration after creating the updated mobile device configuration within the available memory of the mobile device, as taught by Kotzin, storing an update resource in the mobile device memory, the update resource specifying the baseline mobile device configuration and updated mobile device configuration; determining whether an update resource is stored in the mobile device memory during an initialization of the mobile device; upon determining that the update resource is stored in the mobile device memory during an initialization of the mobile device, prompting a mobile device user to select one of the baseline mobile device configuration or updated mobile device configuration; and accepting the updated mobile device configuration or reverting to the baseline mobile device configuration based on the user selection, as taught by Kotzin, in order to restore or recover files that may be lost or corrupted while updating mobile device.

As to **claim 13**, Vasuevan discloses everything as applied in claim 1 and Vasuevan also discloses creating an updated mobile device configuration within the available memory of the mobile device (paragraph 42); however, Vasuevan fails to disclose determining a baseline mobile device configuration and maintaining the baseline mobile device configuration after creating the updated mobile device configuration within the available memory of the mobile device. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Kotzin.

Kotzin also teaches the backup server 111 creates representations, such as a direct copy or information sufficient to restore a copy of the memory image (e.g. bit by bit contents of the memory) of a wireless subscriber device 101 in for example the backup memory 117 of the backup server 111 (paragraph 32). Kotzin also teaches while the download of the information occurs, the backup server 111 nearly simultaneously creates a current, after download and processing, representation of the memory of the wireless subscriber device 101 (paragraph 33),

reading on claimed "a baseline mobile device configuration and maintaining the baseline mobile device configuration after creating the updated mobile device configuration within the available memory of the mobile device."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the method, disclosed by Vasuevan, creating an updated mobile device configuration within the available memory of the mobile device, also disclosed by Vasuevan, a baseline mobile device configuration and maintaining the baseline mobile device configuration after creating the updated mobile device configuration within the available memory of the mobile device, as taught by Kotzin, in order to restore or recover files that may be lost or corrupted while updating mobile device.

As to **claim 14**, Vasuevan discloses everything as applied in claim 1 and Kotzin also discloses everything as applied in claim 13; however, Vasuevan fails to disclose determining whether to accept the updated mobile device configuration; upon determining to accept the updated mobile device configuration, accepting the updated mobile device configuration as the mobile device baseline; and upon determining not to accept the updated mobile device configuration, reverting to the baseline mobile device configuration. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Kotzin.

Kotzin also teaches the backup server 111 checks the download for a virus during or after the network download (paragraph 43), reading on claimed "determining whether to accept the updated mobile device configuration." Kotzin also teaches if no virus is detected at 507, the backup server 111 allows the download at 513 and the current representation of the memory is updated at 515 if needed and not already performed at 505 (paragraph 45), reading on claimed "upon determining to accept the updated mobile device configuration, accepting the updated mobile device configuration as the mobile device baseline." Kotzin also teaches if the backup

server is acting as a gateway or checkpoint and detects a virus, etc at 507, the server can intercede and the download to the subscriber device can be disallowed (paragraph 43), reading on claimed "upon determining not to accept the updated mobile device configuration, reverting to the baseline mobile device configuration."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the method, as disclosed by Vasuevan, a baseline mobile device configuration and maintaining the baseline mobile device configuration after creating the updated mobile device configuration within the available memory of the mobile device, as taught by Kotzin, determining whether to accept the updated mobile device configuration; upon determining to accept the updated mobile device configuration, accepting the updated mobile device configuration as the mobile device baseline; and upon determining not to accept the updated mobile device configuration, reverting to the baseline mobile device configuration, as taught by Kotzin, in order to restore or recover files that may be lost or corrupted while updating mobile device.

As to **claim 15**, Vasuevan discloses everything as applied in claim 1 and Kotzin also discloses everything as applied in claim 13; however, Vasuevan fails to disclose storing an update resource in the mobile device memory, the update resource specifying the baseline mobile device configuration and updated mobile device configuration; determining whether an update resource is stored in the mobile device memory during an initialization of the mobile device; upon determining that the update resource is stored in the mobile device memory during an initialization of the mobile device, prompting a mobile device user to select one of the baseline mobile device configuration or updated mobile device configuration; and accepting the updated mobile device configuration or reverting to the baseline mobile device configuration

based on the user selection. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Kotzin.

Kotzin also teaches the backup server 111 creates representations, such as a direct copy or information sufficient to restore a copy of the memory image (e.g. bit by bit contents of the memory) of a wireless subscriber device 101 in for example the backup memory 117 of the backup server 111 (paragraph 32), reading on claimed "storing an update resource in the mobile device memory, the update resource specifying the baseline mobile device configuration and updated mobile device configuration." Kotzin also teaches the download server 109 includes a processor (not shown) that executes and coordinates the tasks requested and required of the download server 109 and the download server 109 typically initiates the download procedure for wireless downloads to the wireless subscriber device 101, normally responsive to a query from the device (paragraph 22), reading on claimed "determining whether an update resource is stored in the mobile device memory during an initialization of the mobile device." Kotzin also teaches the backup server 111 causes or facilitates the restoration of the memory 207 of the wireless subscriber device 101 using one or more archived memory representation of the wireless subscriber device 101 at 409, if the memory 207 has been compromised (paragraph 41), reading on claimed "upon determining that the update resource is stored in the mobile device memory during an initialization of the mobile device, prompting a mobile device user to select one of the baseline mobile device configuration or updated mobile device configuration; and accepting the updated mobile device configuration or reverting to the baseline mobile device configuration based on the user selection."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the method, as disclosed by Vasuevan, a baseline mobile device configuration and maintaining the baseline mobile device configuration after creating the

updated mobile device configuration within the available memory of the mobile device, as taught by Kotzin, storing an update resource in the mobile device memory, the update resource specifying the baseline mobile device configuration and updated mobile device configuration; determining whether an update resource is stored in the mobile device memory during an initialization of the mobile device; upon determining that the update resource is stored in the mobile device memory during an initialization of the mobile device, prompting a mobile device user to select one of the baseline mobile device configuration or updated mobile device configuration; and accepting the updated mobile device configuration or reverting to the baseline mobile device configuration based on the user selection, as taught by Kotzin, in order to restore or recover files that may be lost or corrupted while updating mobile device.

As to **claim 16**, Vasuevan discloses everything as applied in claim 1 and Kotzin teaches everything as applied in claim 13; however Vasuevan fails to disclose updating the mobile device with the received update data further comprises copy-on-write of stored baseline configuration data stored into the available memory of the mobile device. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Kotzin.

Kotzin also teaches the backup server 111 causes or facilitates the restoration of the memory 207 of the wireless subscriber device 101 using one or more archived memory representation of the wireless subscriber device 101 at 409, if the memory 207 has been compromised (paragraph 41), reading on claimed "updating the mobile device with the received update data further comprises copy-on-write of stored baseline configuration data stored into the available memory of the mobile device."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the method, disclosed by Vasuevan, creating an updated mobile device

configuration within the available memory of the mobile device, also disclosed by Vasuevan, a baseline mobile device configuration and maintaining the baseline mobile device configuration after creating the updated mobile device configuration within the available memory of the mobile device, as taught by Kotzin, updating the mobile device with the received update data further comprises copy-on-write of stored baseline configuration data stored into the available memory of the mobile device, also taught by Kotzin, in order to restore or recover files that may be lost or corrupted while updating mobile device.

As to **claim 28**, Vasuevan discloses everything as applied in claims 24-27 and Vasuevan also discloses creating an updated mobile device configuration within the available memory of the mobile device (paragraph 42); however, Vasuevan fails to disclose determining a baseline mobile device configuration and maintaining the baseline mobile device configuration after creating the updated mobile device configuration within the available memory of the mobile device. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Kotzin.

Kotzin also teaches the backup server 111 creates representations, such as a direct copy or information sufficient to restore a copy of the memory image (e.g. bit by bit contents of the memory) of a wireless subscriber device 101 in for example the backup memory 117 of the backup server 111 (paragraph 32). Kotzin also teaches while the download of the information occurs, the backup server 111 nearly simultaneously creates a current, after download and processing, representation of the memory of the wireless subscriber device 101 (paragraph 33), reading on claimed "to determine a baseline mobile device configuration and maintain the baseline mobile device configuration after creating the updated mobile device configuration within the available memory of the mobile device."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the system, disclosed by Vasuevan, creating an updated mobile device configuration within the available memory of the mobile device, also disclosed by Vasuevan, a baseline mobile device configuration and maintaining the baseline mobile device configuration after creating the updated mobile device configuration within the available memory of the mobile device, as taught by Kotzin, in order to restore or recover files that may be lost or corrupted while updating mobile device.

As to **claim 29**, Vasuevan discloses everything as applied in claims 24-27 and Kotzin also discloses everything as applied in claim 28; however, Vasuevan fails to disclose to determine whether to accept the updated mobile device configuration; upon determining to accept the updated mobile device configuration, to accept the updated mobile device configuration as the mobile device baseline; and upon determining not to accept the updated mobile device configuration, reverting to the baseline mobile device configuration. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Kotzin.

Kotzin also teaches the backup server 111 checks the download for a virus during or after the network download (paragraph 43), reading on claimed "determine whether to accept the updated mobile device configuration." Kotzin also teaches if no virus is detected at 507, the backup server 111 allows the download at 513 and the current representation of the memory is updated at 515 if needed and not already performed at 505 (paragraph 45), reading on claimed "upon determining to accept the updated mobile device configuration, accepting the updated mobile device configuration as the mobile device baseline." Kotzin also teaches if the backup server is acting as a gateway or checkpoint and detects a virus, etc at 507, the server can intercede and the download to the subscriber device can be disallowed (paragraph 43), reading

on claimed "upon determining not to accept the updated mobile device configuration, reverting to the baseline mobile device configuration."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the system, as disclosed by Vasuevan, a baseline mobile device configuration and maintaining the baseline mobile device configuration after creating the updated mobile device configuration within the available memory of the mobile device, as taught by Kotzin, determining whether to accept the updated mobile device configuration; upon determining to accept the updated mobile device configuration, accepting the updated mobile device configuration as the mobile device baseline; and upon determining not to accept the updated mobile device configuration, reverting to the baseline mobile device configuration, as taught by Kotzin, in order to restore or recover files that may be lost or corrupted while updating mobile device.

As to **claim 30**, Vasuevan discloses everything as applied in claims 24-27 and Kotzin also discloses everything as applied in claim 28-29; however, Vasuevan fails to disclose storing an update resource in the mobile device memory, the update resource specifying the baseline mobile device configuration and updated mobile device configuration; determining whether an update resource is stored in the mobile device memory during an initialization of the mobile device; upon determining that the update resource is stored in the mobile device memory during an initialization of the mobile device, prompting a mobile device user to select one of the baseline mobile device configuration or updated mobile device configuration; and accepting the updated mobile device configuration or reverting to the baseline mobile device configuration based on the user selection. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Kotzin.

Kotzin also teaches the backup server 111 creates representations, such as a direct copy or information sufficient to restore a copy of the memory image (e.g. bit by bit contents of the memory) of a wireless subscriber device 101 in for example the backup memory 117 of the backup server 111 (paragraph 32), reading on claimed "storing an update resource in the mobile device memory, the update resource specifying the baseline mobile device configuration and updated mobile device configuration." Kotzin also teaches the download server 109 includes a processor (not shown) that executes and coordinates the tasks requested and required of the download server 109 and the download server 109 typically initiates the download procedure for wireless downloads to the wireless subscriber device 101, normally responsive to a query from the device (paragraph 22), reading on claimed "determining whether an update resource is stored in the mobile device memory during an initialization of the mobile device." Kotzin also teaches the backup server 111 causes or facilitates the restoration of the memory 207 of the wireless subscriber device 101 using one or more archived memory representation of the wireless subscriber device 101 at 409, if the memory 207 has been compromised (paragraph 41), reading on claimed "upon determining that the update resource is stored in the mobile device memory during an initialization of the mobile device, prompting a mobile device user to select one of the baseline mobile device configuration or updated mobile device configuration; and accepting the updated mobile device configuration or reverting to the baseline mobile device configuration based on the user selection."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the system, as disclosed by Vasuevan, a baseline mobile device configuration and maintaining the baseline mobile device configuration after creating the updated mobile device configuration within the available memory of the mobile device, as taught by Kotzin, determining whether to accept the updated mobile device configuration; upon

determining to accept the updated mobile device configuration, accepting the updated mobile device configuration as the mobile device baseline; and upon determining not to accept the updated mobile device configuration, reverting to the baseline mobile device configuration, as taught by Kotzin, storing an update resource in the mobile device memory, the update resource specifying the baseline mobile device configuration and updated mobile device configuration; determining whether an update resource is stored in the mobile device memory during an initialization of the mobile device; upon determining that the update resource is stored in the mobile device memory during an initialization of the mobile device, prompting a mobile device user to select one of the baseline mobile device configuration or updated mobile device configuration; and accepting the updated mobile device configuration or reverting to the baseline mobile device configuration based on the user selection, also taught by Kotzin, in order to restore or recover files that may be lost or corrupted while updating mobile device.

As to **claim 33**, Vasuevan discloses everything as applied in claim 24 and Vasuevan also discloses creating an updated mobile device configuration within the available memory of the mobile device (paragraph 42); however, Vasuevan fails to disclose determining a baseline mobile device configuration and maintaining the baseline mobile device configuration after creating the updated mobile device configuration within the available memory of the mobile device. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Kotzin.

Kotzin also teaches the backup server 111 creates representations, such as a direct copy or information sufficient to restore a copy of the memory image (e.g. bit by bit contents of the memory) of a wireless subscriber device 101 in for example the backup memory 117 of the backup server 111 (paragraph 32). Kotzin also teaches while the download of the information occurs, the backup server 111 nearly simultaneously creates a current, after download and

processing, representation of the memory of the wireless subscriber device 101 (paragraph 33), reading on claimed "to determine a baseline mobile device configuration and maintain the baseline mobile device configuration after creating the updated mobile device configuration within the available memory of the mobile device."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the system, disclosed by Vasuevan, creating an updated mobile device configuration within the available memory of the mobile device, also disclosed by Vasuevan, a baseline mobile device configuration and maintaining the baseline mobile device configuration after creating the updated mobile device configuration within the available memory of the mobile device, as taught by Kotzin, in order to restore or recover files that may be lost or corrupted while updating mobile device.

As to **claim 34**, Vasuevan discloses everything as applied in claim 24 and Kotzin also discloses everything as applied in claim 33; however, Vasuevan fails to disclose to determine whether to accept the updated mobile device configuration; upon determining to accept the updated mobile device configuration, to accept the updated mobile device configuration as the mobile device baseline; and upon determining not to accept the updated mobile device configuration, reverting to the baseline mobile device configuration. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Kotzin.

Kotzin also teaches the backup server 111 checks the download for a virus during or after the network download (paragraph 43), reading on claimed "determine whether to accept the updated mobile device configuration." Kotzin also teaches if no virus is detected at 507, the backup server 111 allows the download at 513 and the current representation of the memory is updated at 515 if needed and not already performed at 505 (paragraph 45), reading on claimed "upon determining to accept the updated mobile device configuration, accepting the updated

mobile device configuration as the mobile device baseline." Kotzin also teaches if the backup server is acting as a gateway or checkpoint and detects a virus, etc at 507, the server can intercede and the download to the subscriber device can be disallowed (paragraph 43), reading on claimed "upon determining not to accept the updated mobile device configuration, reverting to the baseline mobile device configuration."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the system, as disclosed by Vasuevan, a baseline mobile device configuration and maintaining the baseline mobile device configuration after creating the updated mobile device configuration within the available memory of the mobile device, as taught by Kotzin, determining whether to accept the updated mobile device configuration; upon determining to accept the updated mobile device configuration, accepting the updated mobile device configuration as the mobile device baseline; and upon determining not to accept the updated mobile device configuration, reverting to the baseline mobile device configuration, as taught by Kotzin, in order to restore or recover files that may be lost or corrupted while updating mobile device.

As to **claim 35**, Vasuevan discloses everything as applied in claim 34 and Kotzin also discloses everything as applied in claims 34-35; however, Vasuevan fails to disclose storing an update resource in the mobile device memory, the update resource specifying the baseline mobile device configuration and updated mobile device configuration; determining whether an update resource is stored in the mobile device memory during an initialization of the mobile device; upon determining that the update resource is stored in the mobile device memory during an initialization of the mobile device, prompting a mobile device user to select one of the baseline mobile device configuration or updated mobile device configuration; and accepting the updated mobile device configuration or reverting to the baseline mobile device configuration

based on the user selection. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Kotzin.

Kotzin also teaches the backup server 111 creates representations, such as a direct copy or information sufficient to restore a copy of the memory image (e.g. bit by bit contents of the memory) of a wireless subscriber device 101 in for example the backup memory 117 of the backup server 111 (paragraph 32), reading on claimed "storing an update resource in the mobile device memory, the update resource specifying the baseline mobile device configuration and updated mobile device configuration." Kotzin also teaches the download server 109 includes a processor (not shown) that executes and coordinates the tasks requested and required of the download server 109 and the download server 109 typically initiates the download procedure for wireless downloads to the wireless subscriber device 101, normally responsive to a query from the device (paragraph 22), reading on claimed "determining whether an update resource is stored in the mobile device memory during an initialization of the mobile device." Kotzin also teaches the backup server 111 causes or facilitates the restoration of the memory 207 of the wireless subscriber device 101 using one or more archived memory representation of the wireless subscriber device 101 at 409, if the memory 207 has been compromised (paragraph 41), reading on claimed "upon determining that the update resource is stored in the mobile device memory during an initialization of the mobile device, prompting a mobile device user to select one of the baseline mobile device configuration or updated mobile device configuration; and accepting the updated mobile device configuration or reverting to the baseline mobile device configuration based on the user selection."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the system, as disclosed by Vasuevan, a baseline mobile device configuration and maintaining the baseline mobile device configuration after creating the

updated mobile device configuration within the available memory of the mobile device, as taught by Kotzin, determining whether to accept the updated mobile device configuration; upon determining to accept the updated mobile device configuration, accepting the updated mobile device configuration as the mobile device baseline; and upon determining not to accept the updated mobile device configuration, reverting to the baseline mobile device configuration, as taught by Kotzin, storing an update resource in the mobile device memory, the update resource specifying the baseline mobile device configuration and updated mobile device configuration; determining whether an update resource is stored in the mobile device memory during an initialization of the mobile device; upon determining that the update resource is stored in the mobile device memory during an initialization of the mobile device, prompting a mobile device user to select one of the baseline mobile device configuration or updated mobile device configuration; and accepting the updated mobile device configuration or reverting to the baseline mobile device configuration based on the user selection, also taught by Kotzin, in order to restore or recover files that may be lost or corrupted while updating mobile device.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olivia Marsh whose telephone number is 571-272-7912. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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